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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,973	06/08/2000	Eric J. Hansen	71189-1300	9893
20915	7590	01/08/2008		
MCGARRY BAIR PC 32 Market Ave. SW SUITE 500 GRAND RAPIDS, MI 49503			EXAMINER OGDEN JR, NECHOLUS	
			ART UNIT 1796	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/589,973

Applicant(s)

HANSEN ET AL.

Examiner

Necholus Ogden

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10, 12-16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10, 12-16, 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Claim Rejections - 35 USC § 103

1. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over McAllise et al (5,500,977) in view of Miracle et al (5,576,282).

McAllise et al teach that it is well known that when an extracting cleansing device (10) is operating in cleansing mode, warm moist exhaust air (610) is discharged through the discharge nozzle (644) whereby the cleaning fluid is atomizingly distributed throughout the discharged air and conveyed thereby to the surface being cleaned and cleaning solution is recovered from the surface with the suction (70) and placed in a recovery tank (50). Please refer to figure 8B and col. 12, lines 11-26.

McAllise et al do not disclose an oxidizing agent admixed with said cleansing solution.

Miracle et al teaches a color safe bleaching composition comprising a peroxygen source such as a peracid compound selected from the group consisting of percarboxylic acids and salts, percarbonic acids and salts, perimidic acids and salts, peroxymonosulfuric acids and salts, and mixtures thereof or perborate compounds, percarbonate compounds, perphosphate compounds and mixtures thereof and a bleach activator, wherein said bleach activator is selected from the group consisting of tetraacetythylenediamine, sodium decanoyloxybenzene sulfonate, sodium nonoyloxybenzene sulfonate, sodium octanoyloxybenzene sulfonate, (6-cotanamido-caproyl)oxybenzenesulfonate, (6-nonanamido-caproyl)oxybenzenesulfonate, (6-decanamidocaproyl)-oxybenzenesulfonate, and mixtures thereof (col. 37, lines 34-57).

Moreover, Miracle et al teach the preferred embodiment may contain perfumes and is good for use in laundry detergent especially; liquid fine-fabric detergents, machine dishwashing agents and car or carpet shampoos (col. 11, lines 19-46). The use of acrylic/maleic copolymer and glycols is also suggested (col. 21, lines 31-52 and col. 24, lines 1-21).

It would have been obvious to one of ordinary skill in the art to include the oxidizing agents of Miracle et al because Miracle et al teach that oxidizing agents or bleaches are particularly desirable for stain removal, dingy fabric clean-up, and whitening and sanitization properties in carpet cleaning solutions. Therefore, in view of the teachings of Miracle et al it would have been obvious to include an oxidizing agent of Miracle et al to the cleansing solution and device of McAllise et al because only beneficial and/or synergistic effective cleaning would have been obtained in the absence of a showing to the contrary.

2. Claims 2-10, 12-16, 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (5,987,696) in view of Miracle (5,576,282).

3. Wang et al disclose a carpet-cleaning machine comprising a wand providing airflow having a suction force and a cleaning fluid having a pressure (claim 1). Wang et al further disclose that said machine comprises a cleaning fluid reservoir containing said cleaning fluid and a heater which heats the cleaning fluid (claim 4) and wherein said wand dispenses said cleaning fluid and said suction force recovers spent cleaning solution (claims 5 and 6).

4. Wang is silent with respect to the oxidizing agent and heating the cleaning solution prior to admixing with the oxidizing agent.

5. Miracle et al teaches a color safe bleaching composition comprising a peroxygen source such as a peracid compound selected from the group consisting of percarboxylic acids and salts, percarbonic acids and salts, perimidic acids and salts, peroxymonosulfuric acids and salts, and mixtures thereof or perborate compounds, percarbonate compounds, perphosphate compounds and mixtures thereof and a bleach activator, wherein said bleach activator is selected from the group consisting of tetraacetylenediamine, sodium decanoyloxybenzene sulfonate, sodium nonoyloxybenzene sulfonate, sodium octanoyloxybenzene sulfonate, (6-cotanamido-caproyl)oxybenzenesulfonate, (6-nonanamido-caproyl)oxybenzenesulfonate, (6-decanamidocaproyl)-oxybenzenesulfonate, and mixtures thereof (col. 37, lines 34-57). Moreover, Miracle et al teach the preferred embodiment may contain perfumes and is good for use in laundry detergent especially; liquid fine-fabric detergents, machine dishwashing agents and car or carpet shampoos (col. 11, lines 19-46). The use of acrylic/maleic copolymer and glycols is also suggested (col. 21, lines 31-52 and col. 24, lines 1-21).

6. It would have been obvious to one of ordinary skill in the art to include the oxidizing agents of Miracle et al because Miracle et al teach that oxidizing agents or bleaches are particularly desirable for stain removal, dingy fabric clean-up, and whitening and sanitization properties in carpet cleaning solutions. Moreover, Miracle et al teach that said oxidative solutions are heated to temperatures in excess of 60

degrees Celsius (col. 1, lines 40-45). Therefore, in view of the teachings of Miracle et al it would have been obvious to include an oxidizing agent of Miracle et al to the cleansing solution and device of Wang et al because only beneficial and/or synergistic effective cleaning would have been obtained in the absence of a showing to the contrary. With respect to the step of heating the cleansing solution prior to admixing with the oxidizing agent, Miracle et al teach that oxygen bleaching products are extremely temperature rate dependent and the colder the solution in which they are employed, the less effective (col. 1, lines 29-31) and bleach activator are effective at somewhat warmer temperature of 40 –60 degrees Celsius (col. 1, lines 40-45). Accordingly, it would have been obvious to the skilled artisan to add the oxidizing agent after the heating of the cleansing solution because the skilled artisan would have wanted the machines cleansing solution to become heated to a desirable temperature before adding the oxidizing agent so that the effectiveness of the oxidizing agent would not be limited, in the absence of a showing to the contrary and in view of the teachings of Miracle.

7. Claims 2-10, 12-16, 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllise et al (5,987,696) in view of Miracle (5,576,282).

McAllise et al teach that it is well known that when an extracting cleansing device (10) is operating in cleansing mode, warm moist exhaust air (610) is discharged through the discharge nozzle (644) whereby the cleaning fluid is atomizingly distributed throughout the discharged air and conveyed thereby to the surface being cleaned and

cleaning solution is recovered from the surface with the suction (70) and placed in a recovery tank (50). Please refer to figure 8B and col. 12, lines 11-26.

McAllise et al do not disclose an oxidizing agent admixed with said cleansing solution.

Miracle et al teaches a color safe bleaching composition comprising a peroxygen source such as a peracid compound selected from the group consisting of percarboxylic acids and salts, percarbonic acids and salts, perimidic acids and salts, peroxymonosulfuric acids and salts, and mixtures thereof or perborate compounds, percarbonate compounds, perphosphate compounds and mixtures thereof and a bleach activator, wherein said bleach activator is selected from the group consisting of tetraacetylenediamine, sodium decanoyloxybenzene sulfonate, sodium nonoyloxybenzene sulfonate, sodium octanoyloxybenzene sulfonate, (6-cotanamido-caproyl)oxybenzenesulfonate, (6-nonanamido-caproyl)oxybenzenesulfonate, (6-decanamidocaproyl)-oxybenzenesulfonate, and mixtures thereof (col. 37, lines 34-57). Moreover, Miracle et al teach the preferred embodiment may contain perfumes and is good for use in laundry detergent, specifically, liquid fine-fabric detergents, machine dishwashing agents and car or carpet shampoos (col. 11, lines 19-46). The use of acrylic/maleic copolymer and glycols is also suggested (col. 21, lines 31-52 and col. 24, lines 1-21).

It would have been obvious to one of ordinary skill in the art to include the oxidizing agents of Miracle et al because Miracle et al teach that oxidizing agents or bleaches are particularly desirable for stain removal, dingy fabric clean-up, and

whitening and sanitization properties in carpet cleaning solutions. Moreover, Miracle et al teach that said oxidative solutions are heated to temperatures in excess of 60 degrees Celsius (col. 1, lines 40-45). Therefore, in view of the teachings of Miracle et al it would have been obvious to include an oxidizing agent of Miracle et al to the cleansing solution and device of Wang et al because only beneficial and/or synergistic effective cleaning would have been obtained in the absence of a showing to the contrary. With respect to the step of heating the cleansing solution prior to admixing with the oxidizing agent, Miracle et al teach that oxygen bleaching products are extremely temperature rate dependent and the colder the solution in which they are employed, the less effective (col. 1, lines 29-31) and bleach activator are effective at somewhat warmer temperature of 40 –60 degrees Celsius (col. 1, lines 40-45). Accordingly, it would have been obvious to the skilled artisan to add the oxidizing agent after the heating of the cleansing solution because the skilled artisan would have wanted the machines cleansing solution to become heated to a desirable temperature before adding the oxidizing agent so that the effectiveness of the oxidizing agent would not be limited, in the absence of a showing to the contrary and in view of the teachings of Miracle.

Response to Arguments

8. Applicant's arguments filed 10-24-2007 have been fully considered but they are not persuasive.
9. Applicant argues that there is no disclosure in McAllise et al of heating the air and the air from the fan motor is not heated nor does it heat the solution.

The examiner contends and respectfully disagrees because McAllise et al specifically teach that **warm** moist exhaust air is discharged through the discharge nozzle whereby the cleaning fluid is atomizingly distributed throughout the discharged air and conveyed thereby to the surface being cleaned (col. 12, lines 11-26). Moreover, McAllise et al teach that the motor 610 generates the warm air wherein said warm air and the cleaning solution is discharged through the nozzle 65 and conveyed on the surface to be cleaned. Moreover, applicant argues that the fan motor and not the motor discharges air to the motor. The examiner contends that regardless of what motor is discharging air it is nevertheless warm moist air that is exhausted. Therefore, the mixture will be heated or warmed by the air in the fluid distributor that is positioned within the discharged nozzle, which encompasses heating or warming the solution. Moreover, applicant does not specify any degree of temperature with respect to the heated air temperature. Therefore, warm air of McAllise et al is synonymous with heated air as recited in the claims.

Applicant further argues that there is no disclosure of heating air before the step of mixing the admixture with heated air.

The examiner contends and respectfully disagrees because McAllise et al specifically teach and discloses that the air is warmed by the motor 610 prior to admixing with the cleaning solution at the discharge nozzle (col. 12, lines 11-26).

Applicant further argues that Wang and Miracle '282 do not teach the limitation of heating the cleaning solution before admixing step to heat the admixture.

Again, Miracle et al teach that oxygen bleaching products are extremely temperature rate dependent and the colder the solution in which they are employed, the less effective (col. 1, lines 29-31) and bleach activator are effective at somewhat warmer temperature of 40 –60 degrees Celsius (col. 1, lines 40-45). Accordingly, it would have been obvious to the skilled artisan to add the oxidizing agent after the heating of the cleansing solution because the skilled artisan would have wanted the machines cleansing solution to become heated to a desirable temperature before adding the oxidizing agent so that the effectiveness of the oxidizing agent would not be limited, in the absence of a showing to the contrary and in view of the teachings of Miracle.

Applicant further argues that McAllise et al and Miracle '282 do not teach the limitation of heating the cleansing solution before admixing step to heat the admixture.

With respect to the step of heating the cleansing solution prior to admixing with the oxidizing agent, Miracle et al teach that oxygen bleaching products are extremely temperature rate dependent and the colder the solution in which they are employed, the less effective (col. 1, lines 29-31) and bleach activator are effective at somewhat warmer temperature of 40 –60 degrees Celsius (col. 1, lines 40-45). Accordingly, it would have been obvious to the skilled artisan to add the oxidizing agent after the heating of the cleansing solution because the skilled artisan would have wanted the machines cleansing solution to become heated to a desirable temperature before adding the oxidizing agent so that the effectiveness of the oxidizing agent would not be

limited, in the absence of a showing to the contrary and in view of the teachings of Miracle.

The examiner further contends that applicant assertion that the prior art of record must "demonstrate the disclosure" of the claimed limitation may come in a variety of forms such as common sense why one skilled in the art would have heated the cleansing solution prior to admixing with the admixture. Therefore, it is the examiner's position the "heating", which encompasses setting the solution in the sun, and admixing the oxidizing agent, which the prior art teaches is effective at temperatures of 40-60 degrees Celsius, would have been obvious at the time the invention was made and in the absence of unexpected results commensurate in scope with the claimed invention.

*An obviousness determination is not the result of a rigid formula disassociated from the consideration of the facts of a case. Indeed, the common sense of those skilled in the art demonstrates why some combinations would have been obvious where others would not. See KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___, 2007 WL 1237837, at *12 (2007) ("The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.").*

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Necholus Ogden
Primary Examiner
Art Unit 1751